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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

KIRK KEILHOLTZ and KOLLEEN
KEILHOLTZ for themselves and on
behalf of those similarly situated,

Plaintiffs,

vs.

SUPERIOR FIREPLACE COMPANY;
LENNOX HEARTH PRODUCTS, INC.;
LENNOX INTERNATIONAL, INC. and
DOES 1 through 25, Inclusive,

Defendants.

No. CV 08-00836 SI

[PROPOSED] STIPULATION
AND ORDER CONTINUING
BRIEFING AND HEARING DATE
ON DEFENDANTS' MOTION TO
DISMISS PURSUANT TO F.R.C.P.
RULE 12 (B)(6) AND (9)

WHEREAS, due to a calendaring oversight, plaintiffs were unable to timely file and serve their opposition to defendants' motion to dismiss pursuant to F.R.C.P. Rule 12 (b)(6) and (9), the parties through their counsel have agreed and stipulate as follows:

Defendants' pending motion to dismiss pursuant to F.R.C.P. Rule 12 (B)(6) and (9), currently scheduled for hearing on October 3, 2008 is continued until November 21, 2008 at 9:00 a.m. before the Hon. Judge Susan Illston. Defendants' reply papers shall be filed and served at least fourteen (14) days prior to the date for the continued hearing.

IT IS SO STIPULATED.

Dated: September 23, 2008

CLAYEO C. ARNOLD
A Professional Law Corporation

By: /SS/
KIRK J. WOLDEN
Attorneys for the CLASS

Dated: September 23, 2008

DOWNEY BRAND LLP

By: /SS/
MICHAEL J. THOMAS
Attorneys for the Defendant
SUPERIOR FIREPLACE COMPANY;
LENNOX HEARTH PRODUCTS INC.; and
LENNOX INTERNATIONAL INC.

IT IS SO ORDERED.


SUSAN ILLSTON
United States District Court Judge